

## Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 NEA-10 SCA-01 JUSE-00 INSE-00 VO-03 L-03

H-02 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01 USIA-06

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NEA/IAI - MSTERBERG

EUR/CE - SSTEINER

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P R 282149Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW PRIORITY

INFO AMEMBASSY BONN

AMCONSUL LENINGRAD

AMEMBASSY TEL AVIV

C O N F I D E N T I A L STATE 021420

E.O. 11652: GDS

TAGS:CGEN, PFOR, UR, US

SUBJECT: PRESS GUIDANCE ON WAR CRIMES EVIDENCE REQUEST

REF: (A) MOSCOW 1111;(B) STATE 20441 (NOTAL)

1. UNTIL INSTRUCTED OTHERWISE EMBASSY SHOULD CONTINUE TO MAKE NO COMMENT ABOUT WAR CRIMES EVIDENCE REQUEST AND SHOULD REFER ANY PRESS INQUIRIES TO DEPARTMENT. FOR EMBASSY'S INFORMATION AND POSSIBLE FUTURE USE WHEN AUTHORIZED, DEPARTMENT'S PREPARED PRESS ANNOUNCEMENT AND PRESS GUIDANCE FOLLOW:

2. ANNOUNCEMENT: WE HAVE APPROACHED THE SOVIET GOVERNMENT ABOUT OBTAINING INFORMATION ABOUT ALLEGED WAR CRIMES IN GERMAN-OCCUPIED TERRITORY BEHIND THE EASTERN FRONT  
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DURING WORLD WAR II BY THREE PERSONS NOW RESIDING IN THE

UNITED STATES. THE REQUEST WAS IN A DIPLOMATIC NOTE PRESENTED BY OUR EMBASSY IN MOSCOW TO THE CONSULAR ADMINISTRATION OF THE SOVIET MINISTRY OF FOREIGN AFFAIRS ON JANUARY 26, 1976. ANY INFORMATION PROVIDED BY THE SOVIETS WILL BE FORWARDED TO THE DEPARTMENT OF JUSTICE FOR USE IN POSSIBLE INS ADMINISTRATIVE PROCEEDINGS DEALING WITH QUESTIONS OF WHETHER THESE INDIVIDUALS CONCEALED MATERIAL INFORMATION ABOUT THEIR BACKGROUNDS IN OBTAINING PERMANENT RESIDENT STATUS OR NATURALIZATION IN THE UNITED STATES. PRIVACY AND DUE PROCESS CONSIDERATIONS, OF COURSE, PROHIBIT THE DEPARTMENT FROM RELEASING ANY INFORMATION ABOUT THESE INDIVIDUALS, OR ANY INFORMATION ABOUT THE ALLEGED CRIMES WHICH COULD LEAD TO PUBLIC IDENTIFICATION OF THE INDIVIDUALS. THE DEPARTMENT MAY APPROACH THE SOVIETS WITH ADDITIONAL REQUESTS IN THE FUTURE. ANY QUESTIONS RELATING TO THIS OVERALL INVESTIGATION SHOULD BE DIRECTED TO THE IMMIGRATION AND NATURALIZATION SERVICE AT THE DEPARTMENT OF JUSTICE.

3. Q - YOU INDICATE THAT YOU ARE APPROACHING THE SOVIETS ABOUT THREE INDIVIDUALS, AND YET WE UNDERSTAND THAT THERE ARE MORE THAN 50 ALLEGED WAR CRIMINALS ABOUT WHOM EVIDENCE IS BEING SOUGHT. HOW AND WHY DID THE DEPARTMENT DECIDE TO ASK ABOUT ONLY THREE?

4. A - WE MAY GO TO THE SOVIETS WITH ADDITIONAL REQUESTS IN THE FUTURE.

5. Q - COULD THESE PEOPLE BE EXTRADITED OR DEPORTED TO THE USSR?

6. A - THERE IS NO US-USSR EXTRADITION TREATY; THEREFORE, THEY COULD NOT BE EXTRADITED TO THE SOVIET UNION. DEPORTATION IS A FUNCTION OF THE INS, AND, ALTHOUGH TOO EARLY TO SPECULATE ABOUT ANY SUCH ACTION, ALL QUESTIONS IN THIS REGARD SHOULD BE DIRECTED TO THE DEPARTMENT OF JUSTICE.

7. Q - HAS THE US EVER BEFORE REQUESTED WAR CRIMES EVIDENCE FROM THE SOVIET GOVERNMENT?  
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8. A - TO MY KNOWLEDGE, NO.

9. Q - WHY IS THE STATE DEPARTMENT DOING THIS NOW? IS THIS IN RESPONSE TO SIMON WIESENTHAL'S RECENT STATEMENTS?

10. A - THE DEPARTMENT'S ROLE OF SEEKING FOREIGN GOVERNMENT ASSISTANCE ON BEHALF OF THE INS HAS BEEN GOING ON

FOR MONTHS. WE HAD DEFERRED APPROACHING THE SOVIET GOVERNMENT UNTIL WE HAD COMPLETED A THOROUGH EXAMINATION OF INFORMATION AVAILABLE TO THE AUTHORITIES OF THE FEDERAL REPUBLIC OF GERMANY AND SEARCHED THE RECORDS OF THE ALLIED-CONTROLLED BERLIN DOCUMENT CENTER.

11. Q - WHAT WERE THE RESULTS OF YOUR GERMAN INQUIRIES?

12. A - THE FEDERAL REPUBLIC OF GERMANY WAS EXTREMELY COOPERATIVE AND PROVIDED ABOUT 200 PAGES OF MATERIAL RELATING TO 26 OF THE 54 CASES ABOUT WHICH THE INS HAS ASKED OUR ASSISTANCE. THIS INFORMATION HAS BEEN TRANSLATED AND, OF COURSE, TURNED OVER TO THE INS.

13. Q - YOU SPEAK OF 54 CASES AND YET WIESENTHAL RECENTLY INDICATED THAT HE KNEW OF MORE THAN 60 ALLEGED NAZI WAR CRIMINALS CURRENTLY IN THE UNITED STATES. CAN YOU COMMENT UPON THIS NUMERICAL DISCREPANCY?

14. A - WE KNOW NO MORE ABOUT THIS MATTER THAN THAT WHICH WE READ IN THE PRESS. WIESENTHAL, I BELIEVE, INDICATED THAT HE WAS GOING TO PROVIDE WHATEVER INFORMATION HE HAD TO THE DEPARTMENT OF JUSTICE; AND I CAN ONLY SUGGEST THAT YOU APPROACH THE PEOPLE AT JUSTICE ON THIS.

15. Q - DID PRESSURE FROM CONGRESSMAN EILBERG AND CONGRESSWOMAN HOLTZMAN CAUSE THE DEPARTMENT TO TAKE THIS STEP?

16. A - THE DEPARTMENT APPRECIATES THE SERIOUS AND CONTINUING INTEREST OF MEMBERS OF CONGRESS AND AGREES WITH THEM THAT RESOLUTE STEPS SHOULD BE TAKEN TO ENSURE THAT JUSTICE IS DONE IN SUCH CASES. KISSINGER  
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